

**SENATE JOURNAL
66TH LEGISLATURE
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 25, 2019

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senate Webber. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/25/2019

Correctly printed: **SB 170, SB 347, SB 353, SB 354, HB 24, HB 37, HB 158, HB 190, HB 192, HB 204, HB 212, HB 234, HB 268, HB 282, HB 297, HB 305, HB 319, HB 328, HB 624, HB 638, HJ 14, HJ 24, HJ 27.**

Correctly engrossed: **SB 125, SB 245.**

Correctly enrolled: **SB 1, SB 9, SB 36, SB 46, SB 61, SB 82, SB 182, SB 217, SB 292, SR 26.**

Transmitted to the House: **SB 46, SB 173, SB 317, SB 318, SB 320, HB 243, HB 275, HB 327, HB 386.**

Signed by the Secretary of the Senate at 9:30 a.m., March 25, 2019: **SB 72, SB 144, SB 207.**

Signed by the President at 10:30 a.m., March 25, 2019: **SB 72, SB 144, SB 207.**

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair):

3/23/2019

SB 245, introduced bill, be amended as follows:

1. Page 5, line 6 through line 7.

Strike: subsection (b) in its entirety

Insert: "(b) a requirement that a contract between the governing body and a record owner is invalid and unenforceable unless the holder of a mortgage, trust indenture beneficiary, or loan servicer provides the governing body with each of the following:

(i) an executed subordination agreement, properly notarized and executed within 3 months prior to the application for a contract;

(ii) a record of the subordination agreement from the office of the county clerk and recorder in the county where the property is located;

(iii) a secretary's certificate or substantially similar certification that the person who executed the subordination agreement is authorized to sign such an agreement on behalf of the mortgage holder, trust indenture beneficiary, or loan servicer; and"

And, as amended, do pass.

SB 328, do pass.

SB 337, do pass.

HB 476, be concurred in.

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HB 487, be concurred in.

JUDICIARY (Regier, Chair):

3/25/2019

HB 233, be concurred in.

HB 244, be concurred in.

HB 245, be concurred in.

HB 257, be concurred in.

HB 347, be concurred in.

HB 463, be amended as follows:

1. Title, page 1, line 7.

Following: "PROBATIONER;"

Strike: "AND"

2. Title, page 1, line 8.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 4, line 25.

Following: line 25

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in.

TAXATION (Webb, Chair):

3/25/2019

SB 321, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "DISTRICT"

Insert: "THAT HAS ISSUED BONDS"

2. Page 1, line 14.

Strike: "mandatory"

3. Page 1, line 15.

Strike: "unused"

Insert: "excess"

4. Page 1, line 29.

Following: "(3)"

Insert: "(a)"

Following: "7-15-4287"

Insert: "and subsection (3)(b) of this section"

Following: "1"

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Strike: "if"

5. Page 1, line 30.

Strike: "has" through "levy"

Insert: "may expend or accumulate tax increment"

Following: "for"

Insert: ":"
(i)"

6. Page 2, line 1.

Following: "7-15-4288"

Insert: ":"
(ii) the cost of issuing bonds; or
(iii) any pledge"

Strike: "or pledged"

Strike: "premiums"

Insert: "any premium"

Strike: "referred"

Insert: "issued pursuant"

7. Page 2, line 2.

Strike: "in"

Strike: ", the excess revenue"

Insert: "and sufficient to fund any reserve fund in respect of the bonds in an amount not to exceed 125% of the maximum principal and interest on the bonds in any year during the term of the bonds.

(b) Any excess tax increment remaining after the use or accumulation of funds as set forth in subsection (3)(a)"

8. Page 2, line 3.

Strike: "(a)"

Insert: "(i)"

9. Page 2, line 5.

Strike: "(b)"

Insert: "(ii)"

10. Page 2.

Following: line 5

Insert: "(c) A targeted economic development district is not subject to the provisions of this subsection (3) if bonds have not been issued to finance the project."

11. Page 2, line 6.

Following: "excess"

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Insert: "tax"

12. Page 2, line 12.

Following: "of"

Insert: "urban renewal district"

13. Page 2, line 13.

Strike: "contained in urban renewal plan"

Following: "with"

Insert: "an urban renewal district containing"

14. Page 2, line 14.

Strike: "contained in an urban renewal plan"

15. Page 7, line 18.

Strike: "tax" through "in"

16. Page 7, line 19.

Strike: "district" through "adopted"

Insert: "districts with a tax increment provision created"

And, as amended, do pass.

HB 394, be concurred in.

HB 489, be concurred in.

HB 527, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

Regarding appointments to the Board of Behavioral Health, and the Board of Environmental Review:

March 22, 2019

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the

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included list of board, council and commission appointments for confirmation.

I have included the appropriate statutes and appointees' resumes, biography or other qualification documentation for your consideration.

Stacey Otterstrom, my Boards and Appointments Advisor is available as these appointments move through the confirmation process. She can be reached at (406) 444-4405 or by email at sotterstrom@mt.gov.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/23/2019

SB 1, introduced by S. Malek
SB 182, introduced by K. Bogner
SB 217, introduced by D. Howard

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/23/2019

SB 226, introduced by G. Vance

Senate amendments to House bills concurred in: 3/23/2019

HB 98, introduced by F. Garner
HB 450, introduced by B. Tschida

House bills passed and transmitted to the Senate for concurrence: 3/23/2019

HB 5, introduced by J. Keane
HB 6, introduced by J. Keane
HB 7, introduced by J. Keane
HB 9, introduced by T. Woods
HB 11, introduced by J. Keane
HB 376, introduced by R. Fitzgerald
HB 626, introduced by E. Kerr-Carpenter
HB 631, introduced by K. Dudik

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FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 355, introduced by B. Bennett, J. Bachmeier, Z. Brown, R. Farris-Olsen, M. Funk, J. Hamilton, T. Jacobson, J. Karjala, K. Kelker, C. Keogh, E. Kerr-Carpenter, M. MacDonald, S. Morigeau, A. Olsen, Z. Perry, C. Schreiner, S. Stewart Peregoy, M. Sweeney, M. Weatherwax, referred to Energy and Telecommunications.

SB 356, introduced by D. Ankney, referred to Judiciary.

SB 357, introduced by D. Ankney, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 5, introduced by J. Keane (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 6, introduced by J. Keane (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 7, introduced by J. Keane (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 9, introduced by T. Woods (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 11, introduced by J. Keane (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 376, introduced by R. Fitzgerald, referred to Business, Labor, and Economic Affairs.

HB 626, introduced by E. Kerr-Carpenter, F. Fleming, M. Funk, S. Malek, referred to Business, Labor, and Economic Affairs.

HB 631, introduced by K. Dudik, L. Jones, E. Kerr-Carpenter, R. Lynch, M. Ryan, K. Sullivan, referred to Business, Labor, and Economic Affairs.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Bennett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 17 - Senator MacDonald moved **SB 17** do pass.

SB 17 - Senator MacDonald moved **SB 17**, second reading copy, be amended as follows:

1. Title, page 1, line 8.

Following: "AUTHORITY;"

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Insert: "ALLOWING CERTAIN AREAS TO BE ANNEXED, WITHDRAWN, OR DETRACTED FROM AN AUTHORITY;"

2. Page 1, line 18.

Strike: "15"

Insert: "19"

3. Page 1, line 21.

Strike: "15"

Insert: "19"

4. Page 1, line 24.

Strike: "15"

Insert: "19"

5. Page 2, line 7.

Strike: "15"

Insert: "19"

6. Page 8, line 27.

Insert: "NEW SECTION. Section 13. Withdrawal by owner of individual tract adjacent to municipality. (1) In lieu of the withdrawal procedure provided in [section 12] or the detraction procedure provided in [section 14], if a person owns land within the boundaries of an authority adjacent to a city or town that is not part of the authority, the land may be withdrawn from the authority and annexed to the city or town as provided in this section.

(2)(a) The landowner shall mail notice to the board of the owner's intent to request withdrawal from the authority upon annexation to a city or town.

(b) The landowner must attach a copy of the notice of intention to the petition submitted to the municipal governing body requesting annexation.

(3) Following the adoption of the annexation order under 7-2-4714, the land is withdrawn from the authority."

Insert: "NEW SECTION. Section 14. Detraction of undeveloped class ten property from authority -- petition -- plan for division. (1)(a) The board may vote to detract undeveloped class ten property, as classified for the purpose of taxation in 15-6-143, from the authority as set forth in this section.

(b) The undeveloped class ten property proposed to be detracted from the authority may not be wholly surrounded by the property proposed to remain in the authority.

(2)(a) Upon receipt of a petition signed by the owners of 40% or more of the real property within the area proposed to be detracted from the authority and owners of property representing 40% or more of the taxable value of property within the area proposed to be detracted from the authority, the board must prepare a plan for detraction from the authority.

(b) The petition must describe the boundaries of the proposed detracted area and the boundaries of the remaining area.

(c) The board may require the petitioning landowner or landowners to prepare a draft

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detraction plan for consideration by the board.

(3) The plan for detraction of the area from the authority must contain, at a minimum, the following information:

(a) a timetable for detraction of the area, including an effective date that must be after the time allowed for protests to the detraction;

(b) a plan for fire and emergency services within the area to be detracted;

(c) the boundary maps of the authority after detraction of the area;

(d) the estimated financial impact of the detraction on an owner of a home valued at \$100,000 within the area remaining in the authority after the detraction of the proposed area; and

(e) a method for the fair and equitable division of the assets and liabilities of the authority, if applicable.

(4)(a) Within 30 days of the receipt of the plan required in subsection (3), the board shall set a date for a public hearing on the proposed detraction and shall give notice of the hearing as provided in 7-1-2121.

(b) The board shall also forward a copy of the proposed plan for detraction of the area and provide written notice of the hearing provided in subsection (4)(a) to the governing body of the fire protection jurisdiction that is proposed to be responsible for fire and emergency services within the area after detraction from the authority, if a fire protection jurisdiction is identified.

(5) After the hearing, the plan for detraction must be approved, the petition must be granted, and the area must be detracted from the authority unless, at the time of the hearing provided in subsection (4)(a), protests are provided by:

(a) the owners of 40% or more of the real property in the entire authority and owners of property representing 40% or more of the taxable value of property in the entire authority; or

(b) the governing body of the fire protection jurisdiction proposed to be responsible for fire and emergency services within the area after detraction from the authority, if a fire protection jurisdiction is identified.

(6)(a) Upon the detraction of an area from the authority, any assets and liabilities of the authority must be distributed in accordance with the plan for detraction.

(b) Any detracted area continues to be liable for any existing warrant and bonded indebtedness of the authority."

Insert: "NEW SECTION. Section 15. Annexation of adjacent fire protection jurisdiction.

(1) A fire protection jurisdiction that is adjacent to the boundary of a regional fire protection service authority is eligible for annexation by the authority.

(2) An annexation is initiated by the adoption of a resolution by the governing body of a fire protection jurisdiction requesting annexation. The resolution requesting annexation must then be filed with the board that is requested to annex the fire protection jurisdiction.

(3) Except as otherwise provided in the regional fire protection service authority plan, on receipt of the resolution requesting annexation, the governing board of the authority may adopt a resolution amending its plan to establish terms and conditions of the requested annexation and submit the resolution and amended plan to the fire protection jurisdiction requesting annexation. An election to authorize the annexation may be held only if the governing body of the fire protection jurisdiction seeking annexation adopts a resolution approving both the annexation and the related amended plan.

(4)(a) An annexation is authorized if the voters in the fire protection jurisdiction proposed

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to be annexed approve by a simple majority vote a single ballot measure approving the annexation and related amended plan.

(b) An annexation is effective on the date specified in the ballot measure. If the ballot measure does not specify an effective date, the effective date is on the subsequent first of January or first of July, whichever occurs first."

Insert: "NEW SECTION. **Section 16. Annexation of adjacent territory.** (1) Adjacent territory outside the limits of the authority that is not already a part of an existing fire protection jurisdiction may be annexed to the authority as provided in this section.

(2) A petition in writing by the owners of 40% or more of the real property within the proposed area to be annexed and owners of property representing 40% or more of the taxable value of property within the proposed area to be annexed must be presented to the board for approval.

(3) Within 30 days of receipt of the petition, the board shall set a date for a public hearing on the petition and shall give notice of the hearing as provided in 7-1-2121.

(4) After the hearing, the board must consider the petition and any objections to the annexation. The board must approve the annexation unless, at the time of the hearing on the petition, protests are presented by at least 40% of the owners of real property in the area proposed for annexation and owners of property representing 40% or more of the taxable value of the property in the area proposed for annexation, in which case the annexation must be disapproved."

Renumber: subsequent sections

7. Page 9, line 3.

Strike: "14"

Insert: "18"

8. Page 9, line 17.

Strike: "15"

Insert: "19"

9. Page 11, line 21.

Strike: "15"

Insert: "19"

10. Page 11, line 24.

Strike: "15"

Insert: "19"

11. Page 11, line 28.

Strike: "15"

Insert: "19"

12. Page 12, line 26.

Strike: "15"

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Insert: "19"

13. Page 14, line 9.

Strike: "15"

Insert: "19"

14. Page 14, line 28.

Strike: "15"

Insert: "19"

15. Page 16, line 27.

Strike: "15"

Insert: "19"

16. Page 16, line 29.

Strike: "15"

Insert: "19"

17. Page 17, line 7.

Strike: "15"

Insert: "19"

18. Page 17, line 12.

Strike: "15"

Insert: "19"

19. Page 19, line 21.

Strike: "15"

Insert: "19"

20. Page 21, line 18.

Strike: "15"

Insert: "19"

21. Page 22, line 24.

Strike: "29"

Insert: "33"

22. Page 22, line 28.

Strike: "15"

Insert: "19"

23. Page 22, line 30.

Strike: "15"

Insert: "19"

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Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 38

Nays: Brown, Ellsworth, Esp, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Regier, Vance, Mr President.

Total 12

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 17 - Senator Blasdel moved **SB 17**, second reading copy, be amended as follows:

1. Page 9, line 2.

Strike: "subsections (2)(b), (2)(c), and"

Following: "15-10-420"

Insert: "and subsections (2)(b) through (2)(d) of this section"

2. Page 9.

Following: line 9

Insert: "(d) The amount levied on property classified as forest land pursuant to 76-13-102 must be calculated by reducing the aggregate total levied by the amount paid for wildland fire protection as provided in 76-13-201. If the amount paid for wildland fire protection is greater than the amount levied by the fire authority, the property classified as forest land is exempt from an assessment levied by a fire authority."

3. Page 9, line 26.

Following: "property that is"

Insert: ": (a)"

4. Page 9, line 27.

Following: "15"

Insert: "; or

(b) classified as forest land pursuant to 76-13-102"

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Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.

Total 18

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 17 - As amended, **SB 17**, passed as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webb, Webber, Welborn.

Total 32

Nays: Ankney, Brown, Ellsworth, Esp, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Mr President.

Total 18

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 274 - Senator Gross moved **HB 274** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands,

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Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 37

Nays: Ankney, Blasdel, Brown, Ellsworth, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Smith C, Vance, Mr President.

Total 13

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 343 - Senator Esp moved **HB 343** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 505 - Senator Cohenour moved **HB 505** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

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Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 518 - Senator Small moved **HB 518** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: Jacobson.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 529 - Senator Olszewski moved **HB 529** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 537 - Majority Leader Thomas moved consideration of **HB 537** be passed for the day.
Without objection, so ordered.

HB 581 - Senator Small moved **HB 581** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 601 - Senator Salomon moved **HB 601** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 238 - Senator Fielder moved **HB 238** be concurred in.

HB 238 - Majority Leader Thomas moved **HB 238**, second reading copy, be amended as follows:

1. Page 1, line 18.

Strike: "MAY"

Insert: "shall"

2. Page 1, line 24.

Following: "MORE THAN"

Strike: "10"

Insert: "4"

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Flowers, Gross, Jacobson, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 18

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 238 - As amended, **HB 238** was concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.

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Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.

Total 21

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 586 - Senator Lang moved **HB 586** be concurred in.

HB 586 - Senator Lang moved **HB 586**, second reading copy, be amended as follows:

1. Title, line 8.

Following: "LABORATORIES;"

Insert: "REQUIRING DEVELOPMENT OF A PLAN; PROVIDING FOR AN ADVISORY COMMITTEE;"

2. Page 1, line 22.

Insert: "NEW SECTION. Section 2. Department of administration required to develop plan -- advisory committee. (1) The department of administration shall develop a plan for a lease contract that provides an option to purchase for a colocated laboratory for facilities that conduct animal testing for pathogens that could impact public health.

(2) The department of administration shall organize an advisory committee composed of the following:

(a) two members of the house of representatives, one from the majority and one from the minority, appointed by the speaker of the house;

(b) two members of the senate, one from the majority and one from the minority, appointed by the committee on committees;

(c) a person appointed by the executive officer of the department of livestock knowledgeable in the veterinary diagnostic laboratory;

(d) a person appointed by the director of the department of fish, wildlife, and parks knowledgeable in the wildlife laboratory;

(e) a person appointed by the director of the department of agriculture knowledgeable in the analytical laboratory; and

(f) two members appointed by the president of Montana state university-Bozeman, one person representing the university and one person representing MSU extension.

(3) The department of administration shall assist the advisory committee in investigating a process to develop a lease contract.

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(4) The director of the department of administration may invite additional federal, state, or private stakeholders to participate in the meetings of the advisory committee. The department may request assistance from the legislative fiscal division and the legislative services division regarding past studies and information on the state labs, including the results of the study commissioned by Chapter 352, Laws of 2017.

(5) The department of administration shall report:

(a) on a quarterly basis to the environmental quality council and the economic affairs interim committee about the progress of the advisory committee; and

(b) submit findings to each committee by September 1, 2020."

Renumber: subsequent section

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 586 - As amended, **HB 586** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: Brown.

Total 1

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Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 129 - Senator Ankney moved **HB 129** be concurred in.

HB 129 - Senator D. Brown moved **HB 129**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

Following: "ELECTIONS"

Insert: "FOR ELECTED COUNTY OFFICERS EXCEPT COUNTY COMMISSIONERS"

2. Title, page 1, line 7.

Following: "7-3-111,"

Strike: "AND"

Following: "7-3-149,"

Insert: "AND 7-3-413,"

3. Page 1, line 25.

Following: "election"

Insert: "for all elected officers except county commissioners that is"

4. Page 1, line 30.

Following: "7-3-149."

Insert: "If the voters approve the question, the type of election for all elected county officers except the county commissioners must change from partisan to nonpartisan or nonpartisan to partisan. The question of changing the election of a county commissioner from a partisan basis to a nonpartisan basis may not be submitted to the voters under this subsection (4)."

5. Page 3, line 21.

Following: line 20

Insert: "**Section 4.** Section 7-3-413, MCA, is amended to read:

"7-3-413. Type of election. Local government elections shall be conducted on a:

(1) partisan basis, except as provided in [section 1]; or

(2) nonpartisan basis.""

Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary,

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Keenan, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Smith C, Vance, Webb.
Total 19

Nays: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn, Mr President.
Total 31

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 129 - President Sales moved consideration of **HB 129** be passed for the day. Without objection, so ordered.

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Bennett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Gross, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 358, introduced by T. Gauthier, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 22, introduced by D. Brown, referred to Highways and Transportation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 170 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 42

Nays: Brown, Esp, Fielder, Hinebauch, Kary, Keenan, Osmundson, Vance.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 37 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

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Nays: Ellsworth.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 190 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 46

Nays: Blasdel, Brown, Howard, Keenan.

Total 4

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 234 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 268 concurred in as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: Ankney.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 282 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HB 297 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 305 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 624 concurred in as follows:

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Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Vance.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 24 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 158 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

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Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 192 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 212 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 45

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Nays: Esp, Howard, Keenan, Vance, Mr President.

Total 5

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for this week:

Jack Leuthold from Billings, sponsored by Senator Webb

Kynan Moon from Helena, sponsored by Senator Gross

Vanessa Splattstoesser from Angora, NE, sponsored by Senator Hinebaugh

Jacob Torgerson from Helena, sponsored by Senator Osmundson

MOTIONS

Senator MacDonald moved that **SB 18** be taken from the Finance and Claims Committee and placed on second reading March 27, 2019, the sixty-third legislative day. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.

Total 26

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebaugh, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 24

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, March 27, 2019, the sixty-third legislative day. Motion carried.

Senate adjourned at 2:20 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate